

**REMARKS**

**FORMAL MATTERS**

Claims 1-51 are pending in the application.

No claims are amended herein.

**RESTRICTION REQUIREMENT**

The Examiner has required election of one of the following groups of claims:

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| Group I:   | Claims 1-20, 39, 50 and 51 which are drawn to nucleic acid, vectors, host cells and methods of making polypeptides;                            |
| Group II:  | Claim 21 which is drawn to a second method of using the nucleic acids;   |
| Group III: | Claims 22-23, 30-32 and 49 are drawn to a peptides or polypeptides and compositions comprising such;   |
| Group IV:  | Claims 24-26, 28-29 and 40 are drawn to method of diagnosis, treatment or prevention of disease by administration of a peptide or polypeptide; |
| Group V    | Claim 27is drawn to a method of preparing a therapeutic preparation comprising a peptide;  |
| Group VI   | Claims 33-35 and 38, drawn to antibodies that bind peptides or polypeptides;   |
| Group VII  | Claim 36 is drawn to a method of preparing a therapeutic preparation comprising an antibody that binds peptide;                                |
| Group VIII | Claims 37 and 42 are drawn to a method of treating of disease by administration of an antibody that binds a peptide;                           |
| Group IX   | Claims 41 is drawn to a method of treatment of a subject using a nucleic acid;   |
| Group XI   | Claims 43 is drawn to a method of isolation a gene encoding a protein using a nucleic acid;  |

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| Group XII  | Claims 45 is drawn to a method of identification of nucleic acid sequences by comparison of nucleic acid sequences;          |
| Group XIII | Claims 46 is drawn to a medicament comprising a microorganism having a nucleic acid sequence of the first technical feature; |
| Group XIV  | Claims 47 is drawn to a method of treatment of a subject using microorganism comprising a nucleic acid;                      |
| Group XV   | Claims 48 is drawn to a method for producing peptides or polypeptides not using nucleic acids of Group I                     |

In response to the Restriction Requirement, applicants hereby elect Group I, claims 1-20, 39, 50 and 51, without traverse.

The claims that read on the elected invention are claims 1-20, 39, 50 and 51.

Applicants reserve the right to rejoinder of method claims in view of the election of claims directed to a product as set out in the Office Action at page 6.

#### **ELECTION OF SPECIES REQUIREMENT**

In response to the Election of Species Requirement associated with Group I in which election of a species of nucleic acid from among SEQ ID NOS: 1, 2, 9 or 10, was required, applicants hereby elect the species of nucleic acid of SEQ ID NO: 1.

The claims of the elected Group (Group I) that read on the elected species are claims 1-4, 8-20, 39, 50 and 51.

Applicants note that once claims generic to the non-elected species are found to be allowable, Applicants are entitled to consideration of non-elected species and rejoinder of claims directed to such.

Finally, Applicants reserve the right to the filing of a divisional application during the pendency of the instant application.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number ARSI-012.

Respectfully submitted,  
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